

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013110191

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING DATES

On February 19, 2014, the parties to this case filed a joint stipulation to continue the all dates presently scheduled dates. The Office of Administrative Hearings (OAH) treats such stipulations as requests to continue dates, as the parties may not unilaterally re-schedule prehearing conference and due process hearing dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

In this case, the parties state that they have held a further individualized education program meeting for Student. They have been discussing settlement of the case and wish to schedule a mediation in furtherance of their settlement discussions. The parties have presented good cause for their request to continue the matter. Their request is therefore GRANTED. All present dates are vacated. The new dates shall be as follows:

Mediation:	March 11, 2014, at 9:30 a.m.
Prehearing Conference:	April 11, 2014, at 1:00 p.m.
Due Process Hearing:	April 21-24, 2014, starting at 1:30 pm. on April 21 and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 19, 2014

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings